

Appln. No. 10/814,018

Attorney Docket No. 8627-373

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. After entering this Amendment, claims 1-22 remain pending.

Applicants would like to thank the examiner for the interview conducted on April 15, 2008. The structure of the grasping device was discussed. In particular, it was noted that the elongate control member was split into two sections, a low elongation material section and a high elongation material section (the proximal end portion). The low elongation material section is joined to the high elongation material section, but the sections are separately formed but joined together. To the contrary, the Trentacosta reference utilized a mix of high and low elongation material along the length of the orthopedic implant. Further, it was also noted that Trentacosta is not at all concerned with a grasping device but rather an implantable prosthesis for use in the field of joint replacement in a patient.

Rejections Under 35 U.S.C. § 112

Claims 1-22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1, 6, and 21 have been amended to provide proper antecedent basis to the phrase "said plurality of loops".

Claim Rejections – 35 U.S.C. §103

Claims 1, 3-7, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle et al. (Boyle) in view of

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U.S. Patent No. 5,681,347 to Cathcart et al. (Cathcart) and in view of U.S. Patent No. 5,397,365 to Trentacosta (Trentacosta).

Claim 1 now recites that said proximal end portion of the elongate control member being comprised of a high elongation material, the proximal end portion being bonded to a low elongation section of the elongate control member extending distally from the proximal end portion. Similarly, claim 21 specifies that the elongate control member being comprised of a low elongation material section for low elongation distal to the proximal end portion, the proximal end portion being comprised of a high elongation material section for tension absorption when the elongate control member is urged distally. This is clearly illustrated in Figure 12, where the high elongation material section is denoted by reference numeral 61 and the low elongation material section is denoted as reference numeral 63. As such two separate sections are defined, one proximal section and one distal section, that are jointed together to form the elongate control member. This clearly differentiates from Trentacosta where the high elongation material and the low elongation material are mixed along the length of a unitary prosthesis.

Claims 3-7, and 22 depend from claim 1 or 21 and are, therefore, patentable for at least the same reasons as given above in support of claim 1 and 21.

Claims 2 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart, in view of Trentacosta and further in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler).

Claims 2 and 20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

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Claims 8-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boyle in view of Cathcart, in view of Trentacosta and further in view of U.S. Patent No. 5,098,440 to Hillstead (Hillstead).

Claims 8-19 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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